

### **REMARKS**

Claims 2-20 are pending in this application. Claims 2 and 19 are independent. In light of the remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 19-20 under 35 U.S.C. § 102(e) as being anticipated by Kyle (U.S. Patent Application Publication No. 2003/0215114); rejected claims 2, 11-13, 15 and 19-20 under Kyle in view of At the Airport, Immigration Wants to See Your Palm, New York Times, Frank J. Priol, Sep. 17, 1993 (hereinafter “Priol”); rejected claims 4-5 and 7 under 35 U.S.C. §103(a) as being unpatentable over Kyle in view of Priol and further in view of Dobashi (U.S. Patent Application Publication No. 2001/0031072); rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Kyle in view of Priol and further in view of Lobo (USP 5,781,650); rejected claims 6, 9-10 and 16 under 35 U.S.C. §103(a) as being unpatentable over Kyle in view of Priol and further in view of Okazaki (U.S. Patent Application Publication No. 2002/0176610); and rejected the remainder of the claims based on a combination of additional references. Applicant respectfully traverses these rejections.

### **Claim Rejections – 35 U.S.C. §102**

In support of the Examiner’s rejection of claim 19, the Examiner now relies on the teachings of Kyle to teach all of the claim elements, including the authentication unit, citing primarily to Fig. 10. Specifically, the Examiner asserts as follows:

...Kyle discloses... an authentication unit (fig. 2, item 20; fig. 5, item 25), when said degree of similarity is determined (the decision is made at fig. 10 above), determining whether or not said user’s face-picture taken by the image pick-up unit is identical with the stored face-picture of the user by a first method (the first method going from “YES” after “Does Face match Passport?” at fig. 10 proceeds directly to searching the watch list), and when said degree to similarity is lower (“NO” after “Does Face match Passport?” at fig. 10) than said degree to similarity (the decision is made at fig. 10, said decision is inherently higher than a predetermined value), determining whether or not said user’s face picture taken by the image pickUp unit is identical with the stored face picture of the user by a second method (the second method going from (“NO” after “Does Face match Passport?” at

fig. 10 proceeds directed to searching against the passport again, questioning, then onward to searching the watch list), the first method being different than the second method (both methods are different).

Applicant respectfully disagrees that the teachings of Kyle as asserted by the Examiner are sufficient to anticipate claim 19.

The disclosure of Kyle is directed to an identity verification system. Kyle discloses a security system that utilizes an identity verification system having a biometrics component, such as but not limited to a face, fingerprint, or iris recognition system. The system connects a biometric data entry device such as a standard analogue or digital camera to a communication control device which captures, compresses and digitizes the biometric data as well as converts data from data input devices and sends the compressed and digitized biometric data along with the data from a data input device to a central processing unit for processing by a biometric recognition system and comparison to stored biometric data. (Abstract).

As can be seen in Fig. 10, as discussed in paragraph [0082], Kyle discloses as follows:

[0082] Facial images of the individual wishing to verify are obtained, compressed and digitized. The digitized images are sent to the system and immediately converted to templates by a face recognition algorithm engine, such as the face recognition algorithm licensed by Visionics Corporation, Jersey City, N.J. and described in U.S. Pat. No. 6,111,517. At about the same time, the **stored templates that were originally linked to the passenger's identifiers upon enrollment are extracted and compared with the newly created template images by the face recognition algorithm engine.** The face recognition algorithm engine will score the similarity of the template images determined during the relevant verification attempts by the system. **The system will determine whether the scores are above or below the set threshold** (soft configurable in the system configuration application). **Should the scores from the required number of attempts, as configured in the configuration application exceed the set threshold scores, the verification is considered successful. Should the scores from the required number of attempts, as configured in the configuration application not exceed the set threshold scores, the verification is considered to have failed and security or the control room is alerted.** In both scenarios, a message displaying whether the verification has succeeded or failed will be displayed to system operator on the LCD that is linked to and mounted at the verification point where the original request occurred.

As can be seen from the above disclosure, Kyle merely discloses comparing the stored template with the template of the newly acquired image. As shown in Fig. 10, if the face is determined to match the passport, then no additional authentication is performed and the face is then searched on the wanted face database.

In contrast, claim 19 clearly recites as follows:

an authentication unit, **when said degree of similarity is higher than said predetermined value, determining whether or not said user's face-picture taken by the image pick-up unit is identical with the stored face-picture of the user by a first method**, and when said degree to similarity is lower than said predetermined value, determining whether or not said user's face picture taken by the image pick-up unit is identical with the stored face picture of the user by a second method, the first method being different than the second method.

As can be seen from the claim language, the authentication unit, when the degree to similarity is higher than a predetermined value, a first method is used to determine whether the face pictures are identical. However, according to Kyle, if the face is determined to match the passport, no method is employed and it is concluded that the faces match.

For at least this reason, Applicant maintains that Kyle fails to anticipate claim 19.

### **Claim Rejections – 35 U.S.C. §103**

In support of the Examiner's rejection of claim 2, the Examiner curiously changes his interpretation of Kyle and admits that Kyle fails to teach or suggest comparing the face pictures and then deciding whether the face pictures are identical. The Examiner relies on the teachings of Prial to cure the deficiencies of the teachings of Kyle. Specifically, the Examiner asserts that Prial discloses checking to make sure that the holder is entering the country legally and is not being sought by law enforcement agencies and then comparing them with the digitized measurements embedded in the smart card to certify the identity of the card holder. Applicant respectfully disagrees that the teachings of Prial are sufficient to cure the deficiencies of the teachings of Kyle.

Applicant agrees that the disclosure of Kyle fails to teach or suggest the authentication unit as noted above with regard to claim 19.

The disclosure of Prial is directed to a device that measures hands. Once registered, the measurements are encoded and entered into a data bank and a smart card. Upon inserting the card into the device, a determination is made whether he is being sought by law enforcement. The user then inserts his hand into the device and the measurements of the hand are compared with the measurements on the card.

However, claim 2 clearly requires

**an authentication unit, when said degree of similarity is higher than said predetermined value, deciding whether or not said user's face-picture taken by the image pick-up unit is identical with the template face-picture of the user by a first method, and**

**when said degree to similarity is lower than said predetermined value, deciding whether or not said user's face picture taken by the image pick-up unit is identical with the template face picture of the user by a second method, the second method being different than the first method.**

There is no disclosure in Prial that is directed to determining whether the face picture is identical by different methods. Prial merely performs the checks that Kyle performs, namely searching the watch list and then verifying identity. Neither Prial nor Kyle teach or suggest determining whether face pictures are identical be different methods depending on whether a comparison of two images are above or below a predetermined value.

At least for these reasons, Applicant maintains that the combination of the teachings of Kyle and Prial are wholly insufficient to render claim 2 obvious.

It is respectfully submitted that claims 3-18 and 20 are allowable for the reasons set forth above with regard to claim 2 at least based on their dependency on claim 2.

### Conclusion


In view of the above remarks, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted

By 

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